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City Attorney
ELIZABETH SALVESON, State Bar #83788
Chief Labor Attorney
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Deputy City Attorney
1390 Market Street, Fifth Floor
San Francisco, California 94102-5408
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E-Mail: jonathan.rolnick@sfgov.org

Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JUANITA STOCKWELL, et al.,

Plaintiffs,

vs.

CITY AND COUNTY OF SAN
FRANCISCO,

Defendant.

Case No. C08-05180 PJH

**DECLARATION OF JONATHAN C.
ROLNICK IN SUPPORT OF
DEFENDANT CITY AND COUNTY OF
SAN FRANCISCO'S RENEWED
OPPOSITION TO MOTION FOR
CLASS CERTIFICATION ("ROLNICK
DECL. II")**

Date: July 20, 2011
Time: 9:00 a.m.
Judge: Honorable Phyllis J. Hamilton
Ctm: 3, Third Floor
Oakland, CA 94612

I, Jonathan Rolnick, declare as follows:

1. I am a deputy city attorney and counsel of record for Defendant City and County of San Francisco in this matter. I am admitted to practice law in California and to appear before this Court. I have personal knowledge of the facts in this declaration, and if called upon to testify, I could and would testify competently to the facts contained herein.

2. Attached as **Exhibit A** is a true and correct copy of Defendant's July 26, 2010 Request for Admissions to Plaintiff Jacklyn Jehl, Set Two.

3. Attached as **Exhibit B** is a true and correct copy of Defendant's July 26, 2010 Request for Admissions to Plaintiff Michael Lewis, Set Two.

4. Attached as **Exhibit C** is a true and correct copy of Defendant's July 26, 2010 Request for Admissions to Plaintiff Vince Neeson, Set Two.

5. Attached as **Exhibit D** is a true and correct copy of Defendant's September 3, 2010 Request for Admissions to Plaintiff Juanita Stockwell, Set Two.

6. Attached as **Exhibit E** is a true and correct copy of a letter dated October 28, 2010, from me to attorney Ryan Hicks regarding the extent of his clients' discovery responses to date.

7. Attached as **Exhibit F** is a true and correct copy of Plaintiff Terrye Ivy's January 26, 2011 Written Responses to Defendant's Request for Admissions, Set Two.

8. Attached as **Exhibit G** is a true and correct copy of the November 6, 2006 Declaration of Heather Fong in Support of Defendants' Motion for Summary Judgment.

9. Attached as **Exhibit H** is a true and correct copy of the unpublished November 3, 2010 Memorandum of the U.S. Ninth Circuit Court of Appeals in *Officer for Justice, et al. v. Civil Service Commission of City and County of San Francisco*, D.C. Nos. 3:73-cv-00657-CRB and 77-cv-02884-CRB.

10. Attached as **Exhibit I** are excerpts from the deposition of George Gascón, including the cover page and the certification by the court reporter, taken on June 10, 2010.

11. Attached as **Exhibit J** are excerpts from the deposition of Morris Tabak, including the cover page and the certification of the court reporter, taken on January 12, 2010.

1 Dated: June 22, 2011

2 DENNIS J. HERRERA
3 City Attorney
4 ELIZABETH S. SALVESON
5 Chief Labor Attorney
6 JONATHAN C. ROLNICK
7 Deputy City Attorney

8 By: /s/ Jonathan C. Rolnick
9 JONATHAN C. ROLNICK

10 Attorneys for Defendant
11 CITY AND COUNTY OF SAN FRANCISCO
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EXHIBIT A

DENNIS J. HERRERA, State Bar #139669
City Attorney
ELIZABETH SALVESON, State Bar #83788
Chief Labor Attorney
JONATHAN C. ROLNICK, State Bar #151814
GINA M. ROCCANOVA, State Bar #201594
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Facsimile: (415) 554-4248
E-Mail: jonathan.rolnick@sfgov.org

Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JUANITA STOCKWELL, et al.,

Plaintiffs,

vs.

CITY AND COUNTY OF SAN
FRANCISCO, HEATHER FONG, CHIEF
OF SAN FRANCISCO POLICE
DEPARTMENT, sued in her official
capacity,

Defendants.

Case No. 08-05180 PJH

**DEFENDANT'S REQUEST FOR
ADMISSIONS TO PLAINTIFF
JACKLYN JEHL, SET TWO**

PROPOUNDING PARTY: Defendant CITY AND COUNTY OF SAN FRANCISCO

RESPONDING PARTY: Plaintiff JACKLYN JEHL

SET NUMBER: TWO

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1 Pursuant to Federal Rule of Civil Procedure 36, Defendant City and County of San Francisco
2 requests that Plaintiff Jacklyn Jehl respond to the following requests for admissions within 30-days of
3 service.

4 DEFINITIONS

5 1. "DEFENDANT" refers to Defendant City and County of San Francisco, the San
6 Francisco Police Department, and includes without limitation the agents, any employees, attorneys,
7 officials, managers, members, and officers of the City and/or the Police Department.

8 2. "YOU" (or "YOUR") and "PLAINTIFF" refers to Plaintiff Jehl and all persons acting
9 on his or her behalf such as agents, employees, attorneys, investigators, et cetera.

10 3. As used herein, the term "DEPARTMENT" refers to the San Francisco Police
11 Department.

12 REQUESTS FOR ADMISSION

13 REQUEST NO. 7:

14 Admit that YOU were eligible to apply for the Q-50 Sergeant examination announced on or
15 about June 15, 2009 (a copy of the announcement is attached).

16 REQUEST NO. 8:

17 Admit that YOU did not apply for the Q-50 Sergeant examination announced on or about June
18 15, 2009.

19 REQUEST NO. 9:

20 Admit that YOU were eligible to apply for the Q-35 Assistant Inspector examination
21 announced on or about June 15, 2009 (a copy of the announcement is attached).

22 REQUEST NO. 10:

23 Admit that YOU did not apply for the Q-35 Assistant Inspector examination announced on or
24 about June 15, 2009.

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28 //

1 **REQUEST NO. 11:**

2 Admit that from March 2006 through July 26, 2010 DEFENDANT did not promote any
3 officer in the San Francisco Police Department to the rank of Q-35 Assistant Inspector.
4

5 Dated: July 26, 2010

6 DENNIS J. HERRERA
7 City Attorney
8 ELIZABETH SALVESON
9 Chief Labor Attorney
10 JONATHAN ROLNICK
11 GINA M. ROCCANOVA
12 Deputy City Attorneys

13 By: 

14 JONATHAN C. ROLNICK

15 Attorneys for Defendant
16 CITY AND COUNTY OF SAN FRANCISCO
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Sergeant, (Police Department)
Recruitment #CBT-0Q50-055460

Department: Police
Analyst: Richard Marshall
Date Opened: 6/15/2009 8:00:00 AM
Filing Deadline: 6/26/2009 11:59:00 PM
Salary: \$114,608.00 - \$121,394.00/year
Job Type: CBT Discrete
Employment Type:

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INTRODUCTION

Under direction, as a sworn member of the San Francisco Police Department, the Q-50 Sergeant's duties may include but are not limited to: supervising field incidents, crime scenes or special events; monitoring, directing, evaluating, coaching and training subordinate personnel; reviewing documents and preparing routine paperwork; interacting with SFPD members, other city departments and law enforcement agencies; performing routine law enforcement field operations and station keeper duties; serving arrest and search warrants; collecting and processing physical evidence; interacting with victims, witnesses, and suspects during investigations; follow-up investigation, case management, and prosecution. For a more detailed list of Sergeant job duties, please refer to "Executive Summary Job Analysis Update" compiled from the Q-50 Q-35 job analysis completed in April 2009.

MINIMUM QUALIFICATIONS

Sworn members of the San Francisco Police Department who have completed probation as a Q-2 Police Officer and have five years of service with SFPD at the rank of Q-2 Police Officer or higher as of **10/1/09** are eligible to apply. Length of service is calculated from the date of appointment to the Police Academy to 10/1/09, except as described below.

Law enforcement experience in other Jurisdictions immediately preceding employment with the SFPD may count towards the five years of service on a year-for-year basis provided the specific requirements of the SFPD Lateral Hiring Program are met. The Program requires that an applicant at the time of hire (a) is a Peace Officer, (b) has a valid POST certificate or has obtained a POST Basic Course Waiver and (c) has two years of current active patrol experience.

If a member separated from the SFPD but was later rehired, the time not employed by the SFPD shall not count towards eligibility except as described in the preceding paragraph.

HOW TO APPLY

Applications for this recruitment will be accepted through an **online process** from 8:00 AM, June 15, 2009 through 11:59 PM, June 26, 2009.

Visit www.jobaps.com/sf to begin the application process by registering and creating an account
Click and select the desired job announcement (scroll through list of jobs)
Click on "Apply" and read and acknowledge the information
Click on "I am a New User"
Follow instructions given on the screen to create an account (this requires a valid e-mail address)
Complete the online application

Please note that this application is only for the Q-50 Sergeant examination process. In order to be included in the Q-35 Assistant Inspector examination process, you **must** also file a separate Q-35 application.

For applicants who do not have internet access, computer kiosks are available for public use in the lobby of

the Department of Human Resources, One South Van Ness, 4th Floor, San Francisco. The Department of Human Resources' hours of operation are from 8:00 AM to 5:00 PM, Monday through Friday.

SELECTION PROCEDURES

The selection process will consist of a written exercise and an oral exercise. It is anticipated that all components will be administered between October 1 and December 18, 2009. Qualified applicants will be notified of the exact date, time and location for the examination components.

Q-50 Sergeant Examination Preparation Guide

A description of the examination components, including individual weights, will be included in the Preparation Guide. The Preparation Guide will also list the job-related task clusters simulated and knowledge and abilities evaluated in each test component. The Department of Resources anticipates that the Preparation Guide will be available in September 2009. Qualified applicants will be notified when the Preparation Guide becomes available.

Certification Rule

In accordance with the Civil Service Commission Rule 213.7: "For each referral from promotive eligible lists, the Certification Rule shall be the Rule of Five Scores. However, for each referral, if there is adverse impact under Title VII of the Civil Rights Act of 1964 resulting from the Rule of Five Scores, then a broader certification rule shall be used but only after the proposed broader rule is presented to the Civil Service Commission for approval—the broader certification rule may not be used until the Human Resources Director is instructed by the Civil Service Commission to do so. The Commission may use its own rule, and is not bound to use the rule that is proposed."

Notes

1. All examination procedures are subject to the Civil Service Commission Rules, Volume II, Uniformed Ranks of the San Francisco Police Department available at www.sfgov.org/site/civil_service_index.asp?id=4519 and the policies and procedures of the Department of Human Resources.
2. The City and County of San Francisco reserves the right to revise the examination plan if necessary.
3. When making appointments, the Appointing Officer will consider the following secondary criteria: assignments, training, education, special qualifications, commendations/awards, bilingual certification, and discipline history.
4. The duration of the eligible list produced from this examination will be thirty-six months.
5. Applicants who change their address or name must file a Change of Address form promptly with the Department of Human Resources Public Safety Examinations Unit, 4th Floor, One South Van Ness Avenue, San Francisco, CA 94103 or fax to (415) 551-8945. Applicants may also change their address by going online to www.jobaps.com/sf and selecting the "Update My Contact Info" tab.
6. Qualified candidates with disabilities requiring reasonable accommodation for this examination process must contact the examination analyst by phone at (415) 551-8943 (Voice) or, if hearing impaired **(415) 557-4810 (TDD)**, or in writing to the address listed in the note above (specify Class Q-50) or fax to (415) 551-8945 as soon as possible, but no later than October 1, 2009.
7. Applicants are advised to make copies of all items submitted to the Department of Human Resources Public Safety Examinations Unit.
8. Applicants are advised that a Q-35 Assistant Inspector examination is being scheduled concurrent with the Q-50 examination administration. In order to be included in the Q-35 process, separate application **must** be made.

Q-50 Sergeant – Promotive

Issued: June 15, 2009

Announcement No.: 055460

Micki Callahan, Human Resources Director

Department of Human Resources

Public Safety Examinations Unit (RM) (415) 551-8943

DISASTER SERVICE WORKERS

All City and County of San Francisco employees are designated Disaster Service Workers through state and local law (California Government Code Section 3100-3109). Employment with the City requires the affirmation of a loyalty oath to this effect. Employees are required to complete all Disaster Service Worker-related training as assigned, and to return to work as ordered in the event of an emergency.

BENEFITS

All employees hired on or after January 10, 2009 will be required (pursuant to San Francisco Charter Section A8.432) to contribute 2% of pre-tax compensation to fund retiree healthcare. In addition, most employees are required to make a member contribution towards retirement, typically a 7.5% of compensation. For more information on these provisions, please contact your departmental personnel officer.

Click on the link below to apply:

Fill out the Application
NOW using the
Internet.

Apply Online



Contact us via conventional means.

You may contact us by phone at (415) 557-4800, or apply for a job in person at the Department of Human Resources.

[contact us](#) | [accessibility policy](#) | [disclaimer](#) | [privacy policy](#)

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Generate Printed Bulletin



SAN FRANCISCO

Assistant Inspector
Recruitment #CBT-0Q35-055470

Department: Police
Analyst: Jaye Erickson
Date Opened: 6/15/2009 8:00:00 AM
Filing Deadline: 6/26/2009 11:59:00 PM
Salary: \$114,608.00 - \$121,394.00/year
Job Type: CBT Discrete
Employment Type:

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INTRODUCTION

Under general supervision, the Q-35 Assistant Inspector works primarily in the San Francisco Police Department Bureau of Investigations. The Assistant Inspector's duties include but are not limited to: interacting with victims, witnesses, and suspects during investigations; follow-up investigation, case management, and prosecution; reviewing documents and preparing routine paperwork; interacting with SFPD members, other city departments and law enforcement agencies; serving arrest and search warrants, collecting and processing physical evidence; supervising field incidents, crime scenes or special events. For a more detailed list of Assistant Inspector job duties, please refer to "Executive Summary Job Analysis Update" compiled from the Q-50 Q-35 job analysis completed in April 2009.

MINIMUM QUALIFICATIONS

Only sworn members of the San Francisco Police Department are eligible to apply. Applicants must have three years of service with SFPD at the rank of Q-2 Police Officer or higher as of **10/1/09**. Length of service is calculated from the date of appointment to the Police Academy to the date noted above. If a member separated from the San Francisco Police Department but was later rehired, the time not employed by the San Francisco Police Department shall not count towards eligibility.

HOW TO APPLY

Applications for this recruitment will be accepted through an **online process** from 8:00 AM, June 15, 2009 through 11:59 PM, June 26, 2009.

Visit www.jobaps.com/sf to begin the application process by registering and creating an account
Click and select the desired job announcement (scroll through list of jobs)
Click on "Apply" and read and acknowledge the information
Click on "I am a New User"
Follow instructions given on the screen to create an account (this requires a valid e-mail address)
Complete the online application

Please note that this application is only for the Q-35 Assistant Inspector examination process. In order to be included in the Q-50 Sergeant examination process, you **must** also file a separate Q-50 application.

For applicants who do not have internet access, computer kiosks are available for public use in the lobby of the Department of Human Resources, One South Van Ness, San Francisco. The Department of Human Resources' hours of operation are from 8:00 AM to 5:00 PM, Monday through Friday.

SELECTION PROCEDURES

The selection process will consist of a written exercise, which will be weighted 100%. It is anticipated that the written exercise will be administered between October 1 and December 18, 2009. Qualified applicants will be notified of the exact date, time and location for the written exercise.

Q-35 Assistant Inspector Examination Preparation Guide

A description of the examination component will be included in the Preparation Guide. The Preparation Guide will also list the job-related task clusters simulated and knowledge and abilities evaluated in the examination component. The Department of Human Resources expects that the Preparation Guide will be available in September 2009. Qualified applicants will be notified when the Preparation Guide becomes available.

Certification Rule

In accordance with the Civil Service Commission Rule 213.7: "For each referral from promotive eligible lists, the Certification Rule shall be the Rule of Five Scores. However, for each referral, if there is adverse

impact under Title VII of the Civil Rights Act of 1964 resulting from the Rule of Five Scores, then a broader certification rule shall be used but only after the proposed broader rule is presented to the Civil Service Commission for approval—the broader certification rule may not be used until the Human Resources Director is instructed by the Civil Service Commission to do so. The Commission may use its own rule, and is not bound to use the rule that is proposed."

Notes

1. All examination procedures are subject to the Civil Service Commission Rules, Volume II, Uniformed Ranks of the San Francisco Police Department available at www.sfgov.org/site/civil_service_index.asp?id=4519 and the policies and procedures of the Department of Human Resources.
2. The City and County of San Francisco reserves the right to revise the examination plan if necessary.
3. When making appointments, the Appointing Officer will consider the following secondary criteria: assignments, training, education, special qualifications, commendations/awards, bilingual certification, and discipline history.
4. The duration of the eligible list produced from this examination will be thirty-six months.
5. Applicants who change their address or name must file a Change of Address form promptly with the Department of Human Resources Public Safety Examinations Unit, 4th Floor, One South Van Ness Avenue, San Francisco, CA 94103 or fax to (415) 551-8945. Applicants may also change their address by going online to www.jobaps.com/sf and selecting the "Update My Contact Info" tab.
6. Qualified candidates with disabilities requiring reasonable accommodation for this examination process must contact the examination analyst by phone at (415) 551-8949 (Voice) or, if hearing impaired **(415) 557-4810 (TDD)**, or in writing to the address listed in the note above (specify Class Q-35) or fax to (415) 551-8945 as soon as possible, but no later than October 1, 2009.
7. Applicants are advised to make copies of all items submitted to the Department of Human Resources Public Safety Examinations Unit.
8. This examination is being conducted pursuant to a directive of the San Francisco Civil Service Commission issued on January 16, 2009.
9. Applicants are advised that a Q-50 Sergeant examination is being scheduled concurrent with the Q-35 examination administration. In order to be included in the Q-50 process, separate application **must** be made.

Q-35 Assistant Inspector – Promotive
Issued: June 15, 2009
Announcement No.: 055470
Micki Callahan, Human Resources Director
Department of Human Resources
Public Safety Examinations Unit (JE) (415) 551-8949

DISASTER SERVICE WORKERS

All City and County of San Francisco employees are designated Disaster Service Workers through state and local law (California Government Code Section 3100-3109). Employment with the City requires the affirmation of a loyalty oath to this effect. Employees are required to complete all Disaster Service Worker-related training as assigned, and to return to work as ordered in the event of an emergency.

BENEFITS

All employees hired on or after January 10, 2009 will be required (pursuant to San Francisco Charter Section A8.432) to contribute 2% of pre-tax compensation to fund retiree healthcare. In addition, most employees are required to make a member contribution towards retirement, typically a 7.5% of compensation. For more information on these provisions, please contact your departmental personnel officer.

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**Fill out the Application
NOW using the
Internet.**



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You may contact us by phone at (415) 557-4800, or apply for a job in person at the Department of Human Resources.

EXHIBIT B

DENNIS J. HERRERA, State Bar #139669
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ELIZABETH SALVESON, State Bar #83788
Chief Labor Attorney
JONATHAN C. ROLNICK, State Bar #151814
GINA M. ROCCANOVA, State Bar #201594
Deputy City Attorneys
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1390 Market Street, Fifth Floor
San Francisco, California 94102-5408
Telephone: (415) 554-3815
Facsimile: (415) 554-4248
E-Mail: jonathan.rolnick@sfgov.org

Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JUANITA STOCKWELL, et al.,

Plaintiffs,

vs.

CITY AND COUNTY OF SAN
FRANCISCO, HEATHER FONG, CHIEF
OF SAN FRANCISCO POLICE
DEPARTMENT, sued in her official
capacity,

Defendants.

Case No. 08-05180 PJH

**DEFENDANT'S REQUEST FOR
ADMISSIONS TO PLAINTIFF
MICHAEL LEWIS, SET TWO**

PROPOUNDING PARTY: Defendant CITY AND COUNTY OF SAN FRANCISCO

RESPONDING PARTY: Plaintiff MICHAEL LEWIS

SET NUMBER: TWO

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1 Pursuant to Federal Rule of Civil Procedure 36, Defendant City and County of San Francisco
2 requests that Plaintiff Michael Lewis respond to the following requests for admissions within 30-days
3 of service.

4 DEFINITIONS

5 1. "DEFENDANT" refers to Defendant City and County of San Francisco, the San
6 Francisco Police Department, and includes without limitation the agents, any employees, attorneys,
7 officials, managers, members, and officers of the City and/or the Police Department.

8 2. "YOU" (or "YOUR") and "PLAINTIFF" refers to Plaintiff Lewis and all persons
9 acting on his or her behalf such as agents, employees, attorneys, investigators, et cetera.

10 3. As used herein, the term "DEPARTMENT" refers to the San Francisco Police
11 Department.

12 REQUESTS FOR ADMISSION

13 REQUEST NO. 7:

14 Admit that YOU were eligible to apply for the Q-50 Sergeant examination announced on or
15 about June 15, 2009 (a copy of the announcement is attached).

16 REQUEST NO. 8:

17 Admit that YOU did not apply for the Q-50 Sergeant examination announced on or about June
18 15, 2009.

19 REQUEST NO. 9:

20 Admit that YOU were eligible to apply for the Q-35 Assistant Inspector examination
21 announced on or about June 15, 2009 (a copy of the announcement is attached).

22 REQUEST NO. 10:

23 Admit that YOU did not apply for the Q-35 Assistant Inspector examination announced on or
24 about June 15, 2009.

25 //

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1 **REQUEST NO. 11:**

2 Admit that from March 2006 through July 26, 2010 DEFENDANT did not promote any
3 officer in the San Francisco Police Department to the rank of Q-35 Assistant Inspector.
4

5 Dated: July 26, 2010

6 DENNIS J. HERRERA
7 City Attorney
8 ELIZABETH SALVESON
9 Chief Labor Attorney
10 JONATHAN ROLNICK
11 GINA M. ROCCANOVA
12 Deputy City Attorneys

13 By: 

14 JONATHAN C. ROLNICK

15 Attorneys for Defendant
16 CITY AND COUNTY OF SAN FRANCISCO
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Sergeant, (Police Department)
Recruitment #CBT-0Q50-055460

Department: Police
Analyst: Richard Marshall
Date Opened: 6/15/2009 8:00:00 AM
Filing Deadline: 6/26/2009 11:59:00 PM
Salary: \$114,608.00 - \$121,394.00/year
Job Type: CBT Discrete
Employment Type:

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INTRODUCTION

Under direction, as a sworn member of the San Francisco Police Department, the Q-50 Sergeant's duties may include but are not limited to: supervising field incidents, crime scenes or special events; monitoring, directing, evaluating, coaching and training subordinate personnel; reviewing documents and preparing routine paperwork; interacting with SFPD members, other city departments and law enforcement agencies; performing routine law enforcement field operations and station keeper duties; serving arrest and search warrants; collecting and processing physical evidence; interacting with victims, witnesses, and suspects during investigations; follow-up investigation, case management, and prosecution. For a more detailed list of Sergeant job duties, please refer to "Executive Summary Job Analysis Update" compiled from the Q-50 Q-35 job analysis completed in April 2009.

MINIMUM QUALIFICATIONS

Sworn members of the San Francisco Police Department who have completed probation as a Q-2 Police Officer and have five years of service with SFPD at the rank of Q-2 Police Officer or higher as of **10/1/09** are eligible to apply. Length of service is calculated from the date of appointment to the Police Academy to 10/1/09, except as described below.

Law enforcement experience in other Jurisdictions immediately preceding employment with the SFPD may count towards the five years of service on a year-for-year basis provided the specific requirements of the SFPD Lateral Hiring Program are met. The Program requires that an applicant at the time of hire (a) is a Peace Officer, (b) has a valid POST certificate or has obtained a POST Basic Course Waiver and (c) has two years of current active patrol experience.

If a member separated from the SFPD but was later rehired, the time not employed by the SFPD shall not count towards eligibility except as described in the preceding paragraph.

HOW TO APPLY

Applications for this recruitment will be accepted through an **online process** from 8:00 AM, June 15, 2009 through 11:59 PM, June 26, 2009.

Visit www.jobaps.com/sf to begin the application process by registering and creating an account

Click and select the desired job announcement (scroll through list of jobs)

Click on "Apply" and read and acknowledge the information

Click on "I am a New User"

Follow instructions given on the screen to create an account (this requires a valid e-mail address)

Complete the online application

Please note that this application is only for the Q-50 Sergeant examination process. In order to be included in the Q-35 Assistant Inspector examination process, you **must** also file a separate Q-35 application.

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the Department of Human Resources, One South Van Ness, 4th Floor, San Francisco. The Department of Human Resources' hours of operation are from 8:00 AM to 5:00 PM, Monday through Friday.

SELECTION PROCEDURES

The selection process will consist of a written exercise and an oral exercise. It is anticipated that all components will be administered between October 1 and December 18, 2009. Qualified applicants will be notified of the exact date, time and location for the examination components.

Q-50 Sergeant Examination Preparation Guide

A description of the examination components, including individual weights, will be included in the Preparation Guide. The Preparation Guide will also list the job-related task clusters simulated and knowledge and abilities evaluated in each test component. The Department of Resources anticipates that the Preparation Guide will be available in September 2009. Qualified applicants will be notified when the Preparation Guide becomes available.

Certification Rule

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2. The City and County of San Francisco reserves the right to revise the examination plan if necessary.
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6. Qualified candidates with disabilities requiring reasonable accommodation for this examination process must contact the examination analyst by phone at (415) 551-8943 (Voice) or, if hearing impaired **(415) 557-4810 (TDD)**, or in writing to the address listed in the note above (specify Class Q-50) or fax to (415) 551-8945 as soon as possible, but no later than October 1, 2009.
7. Applicants are advised to make copies of all items submitted to the Department of Human Resources Public Safety Examinations Unit.
8. Applicants are advised that a Q-35 Assistant Inspector examination is being scheduled concurrent with the Q-50 examination administration. In order to be included in the Q-35 process, separate application **must** be made.

Q-50 Sergeant – Promotive

Issued: June 15, 2009

Announcement No.: 055460

Micki Callahan, Human Resources Director

Department of Human Resources

Public Safety Examinations Unit (RM) (415) 551-8943

DISASTER SERVICE WORKERS

All City and County of San Francisco employees are designated Disaster Service Workers through state and local law (California Government Code Section 3100-3109). Employment with the City requires the affirmation of a loyalty oath to this effect. Employees are required to complete all Disaster Service Worker-related training as assigned, and to return to work as ordered in the event of an emergency.

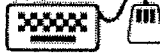
BENEFITS

All employees hired on or after January 10, 2009 will be required (pursuant to San Francisco Charter Section A8.432) to contribute 2% of pre-tax compensation to fund retiree healthcare. In addition, most employees are required to make a member contribution towards retirement, typically a 7.5% of compensation. For more information on these provisions, please contact your departmental personnel officer.

Click on the link below to apply:

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**Assistant Inspector
Recruitment #CBT-0Q35-055470**

Department: Police
Analyst: Jaye Erickson
Date Opened: 6/15/2009 8:00:00 AM
Filing Deadline: 6/26/2009 11:59:00 PM
Salary: \$114,608.00 - \$121,394.00/year
Job Type: CBT Discrete
Employment Type:

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INTRODUCTION

Under general supervision, the Q-35 Assistant Inspector works primarily in the San Francisco Police Department Bureau of Investigations. The Assistant Inspector's duties include but are not limited to: interacting with victims, witnesses, and suspects during investigations; follow-up investigation, case management, and prosecution; reviewing documents and preparing routine paperwork; interacting with SFPD members, other city departments and law enforcement agencies; serving arrest and search warrants, collecting and processing physical evidence; supervising field incidents, crime scenes or special events. For a more detailed list of Assistant Inspector job duties, please refer to "Executive Summary Job Analysis Update" compiled from the Q-50 Q-35 job analysis completed in April 2009.

MINIMUM QUALIFICATIONS

Only sworn members of the San Francisco Police Department are eligible to apply. Applicants must have three years of service with SFPD at the rank of Q-2 Police Officer or higher as of **10/1/09**. Length of service is calculated from the date of appointment to the Police Academy to the date noted above. If a member separated from the San Francisco Police Department but was later rehired, the time not employed by the San Francisco Police Department shall not count towards eligibility.

HOW TO APPLY

Applications for this recruitment will be accepted through an **online process** from 8:00 AM, June 15, 2009 through 11:59 PM, June 26, 2009.

Visit www.jobaps.com/sf to begin the application process by registering and creating an account

Click and select the desired job announcement (scroll through list of jobs)

Click on "Apply" and read and acknowledge the information

Click on "I am a New User"

Follow instructions given on the screen to create an account (this requires a valid e-mail address)

Complete the online application

Please note that this application is only for the Q-35 Assistant Inspector examination process. In order to be included in the Q-50 Sergeant examination process, you **must** also file a separate Q-50 application.

For applicants who do not have internet access, computer kiosks are available for public use in the lobby of the Department of Human Resources, One South Van Ness, San Francisco. The Department of Human Resources' hours of operation are from 8:00 AM to 5:00 PM, Monday through Friday.

SELECTION PROCEDURES

The selection process will consist of a written exercise, which will be weighted 100%. It is anticipated that the written exercise will be administered between October 1 and December 18, 2009. Qualified applicants will be notified of the exact date, time and location for the written exercise.

Q-35 Assistant Inspector Examination Preparation Guide

A description of the examination component will be included in the Preparation Guide. The Preparation Guide will also list the job-related task clusters simulated and knowledge and abilities evaluated in the examination component. The Department of Human Resources expects that the Preparation Guide will be available in September 2009. Qualified applicants will be notified when the Preparation Guide becomes available.

Certification Rule

In accordance with the Civil Service Commission Rule 213.7: "For each referral from promotive eligible lists, the Certification Rule shall be the Rule of Five Scores. However, for each referral, if there is adverse

impact under Title VII of the Civil Rights Act of 1964 resulting from the Rule of Five Scores, then a broader certification rule shall be used but only after the proposed broader rule is presented to the Civil Service Commission for approval—the broader certification rule may not be used until the Human Resources Director is instructed by the Civil Service Commission to do so. The Commission may use its own rule, and is not bound to use the rule that is proposed."

Notes

1. All examination procedures are subject to the Civil Service Commission Rules, Volume II, Uniformed Ranks of the San Francisco Police Department available at www.sfgov.org/site/civil_service_index.asp?id=4519 and the policies and procedures of the Department of Human Resources.
2. The City and County of San Francisco reserves the right to revise the examination plan if necessary.
3. When making appointments, the Appointing Officer will consider the following secondary criteria: assignments, training, education, special qualifications, commendations/awards, bilingual certification, and discipline history.
4. The duration of the eligible list produced from this examination will be thirty-six months.
5. Applicants who change their address or name must file a Change of Address form promptly with the Department of Human Resources Public Safety Examinations Unit, 4th Floor, One South Van Ness Avenue, San Francisco, CA 94103 or fax to (415) 551-8945. Applicants may also change their address by going online to www.jobaps.com/sf and selecting the "Update My Contact Info" tab.
6. Qualified candidates with disabilities requiring reasonable accommodation for this examination process must contact the examination analyst by phone at (415) 551-8949 (Voice) or, if hearing impaired **(415) 557-4810 (TDD)**, or in writing to the address listed in the note above (specify Class Q-35) or fax to (415) 551-8945 as soon as possible, but no later than October 1, 2009.
7. Applicants are advised to make copies of all items submitted to the Department of Human Resources Public Safety Examinations Unit.
8. This examination is being conducted pursuant to a directive of the San Francisco Civil Service Commission issued on January 16, 2009.
9. Applicants are advised that a Q-50 Sergeant examination is being scheduled concurrent with the Q-35 examination administration. In order to be included in the Q-50 process, separate application **must** be made.

Q-35 Assistant Inspector – Promotive
Issued: June 15, 2009
Announcement No.: 055470
Micki Callahan, Human Resources Director
Department of Human Resources
Public Safety Examinations Unit (JE) (415) 551-8949

DISASTER SERVICE WORKERS

All City and County of San Francisco employees are designated Disaster Service Workers through state and local law (California Government Code Section 3100-3109). Employment with the City requires the affirmation of a loyalty oath to this effect. Employees are required to complete all Disaster Service Worker-related training as assigned, and to return to work as ordered in the event of an emergency.

BENEFITS

All employees hired on or after January 10, 2009 will be required (pursuant to San Francisco Charter Section A8.432) to contribute 2% of pre-tax compensation to fund retiree healthcare. In addition, most employees are required to make a member contribution towards retirement, typically a 7.5% of compensation. For more information on these provisions, please contact your departmental personnel officer.

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EXHIBIT C

DENNIS J. HERRERA, State Bar #139669
City Attorney
ELIZABETH SALVESON, State Bar #83788
Chief Labor Attorney
JONATHAN C. ROLNICK, State Bar #151814
GINA M. ROCCANOVA, State Bar #201594
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Telephone: (415) 554-3815
Facsimile: (415) 554-4248
E-Mail: jonathan.rolnick@sfgov.org

Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JUANITA STOCKWELL, et al.,

Plaintiffs,

vs.

CITY AND COUNTY OF SAN
FRANCISCO, HEATHER FONG, CHIEF
OF SAN FRANCISCO POLICE
DEPARTMENT, sued in her official
capacity,

Defendants.

Case No. 08-05180 PJH

**DEFENDANT'S REQUEST FOR
ADMISSIONS TO PLAINTIFF VINCE
NEESON, SET TWO**

PROPOUNDING PARTY: Defendant **CITY AND COUNTY OF SAN FRANCISCO**

RESPONDING PARTY: Plaintiff **VINCE NEESON**

SET NUMBER: **TWO**

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1 Pursuant to Federal Rule of Civil Procedure 36, Defendant City and County of San Francisco
2 requests that Plaintiff Vince Neeson respond to the following requests for admissions within 30-days
3 of service.

4 **DEFINITIONS**

5 1. "DEFENDANT" refers to Defendant City and County of San Francisco, the San
6 Francisco Police Department, and includes without limitation the agents, any employees, attorneys,
7 officials, managers, members, and officers of the City and/or the Police Department.

8 2. "YOU" (or "YOUR") and "PLAINTIFF" refers to Plaintiff Neeson and all persons
9 acting on his or her behalf such as agents, employees, attorneys, investigators, et cetera.

10 3. As used herein, the term "DEPARTMENT" refers to the San Francisco Police
11 Department.

12 **REQUESTS FOR ADMISSION**

13 **REQUEST NO. 7:**

14 Admit that YOU were eligible to apply for the Q-50 Sergeant examination announced on or
15 about June 15, 2009 (a copy of the announcement is attached).

16 **REQUEST NO. 8:**

17 Admit that YOU did not apply for the Q-50 Sergeant examination announced on or about June
18 15, 2009.

19 **REQUEST NO. 9:**

20 Admit that YOU were eligible to apply for the Q-35 Assistant Inspector examination
21 announced on or about June 15, 2009 (a copy of the announcement is attached).

22 **REQUEST NO. 10:**

23 Admit that YOU did not apply for the Q-35 Assistant Inspector examination announced on or
24 about June 15, 2009.

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1 **REQUEST NO. 11:**

2 Admit that from March 2006 through July 26, 2010 DEFENDANT did not promote any
3 officer in the San Francisco Police Department to the rank of Q-35 Assistant Inspector.
4

5 Dated: July 26, 2010

6 DENNIS J. HERRERA
7 City Attorney
8 ELIZABETH SALVESON
9 Chief Labor Attorney
10 JONATHAN ROLNICK
11 GINA M. ROCCANOVA
12 Deputy City Attorneys

13 By: 

14 JONATHAN C. ROLNICK

15 Attorneys for Defendant
16 CITY AND COUNTY OF SAN FRANCISCO
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SAN FRANCISCO

Sergeant, (Police Department)
Recruitment #CBT-0Q50-055460

Department: Police
Analyst: Richard Marshall
Date Opened: 6/15/2009 8:00:00 AM
Filing Deadline: 6/26/2009 11:59:00 PM
Salary: \$114,608.00 - \$121,394.00/year
Job Type: CBT Discrete
Employment Type:

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INTRODUCTION

Under direction, as a sworn member of the San Francisco Police Department, the Q-50 Sergeant's duties may include but are not limited to: supervising field incidents, crime scenes or special events; monitoring, directing, evaluating, coaching and training subordinate personnel; reviewing documents and preparing routine paperwork; interacting with SFPD members, other city departments and law enforcement agencies; performing routine law enforcement field operations and station keeper duties; serving arrest and search warrants; collecting and processing physical evidence; interacting with victims, witnesses, and suspects during investigations; follow-up investigation, case management, and prosecution. For a more detailed list of Sergeant job duties, please refer to "Executive Summary Job Analysis Update" compiled from the Q-50 Q-35 job analysis completed in April 2009.

MINIMUM QUALIFICATIONS

Sworn members of the San Francisco Police Department who have completed probation as a Q-2 Police Officer and have five years of service with SFPD at the rank of Q-2 Police Officer or higher as of **10/1/09** are eligible to apply. Length of service is calculated from the date of appointment to the Police Academy to 10/1/09, except as described below.

Law enforcement experience in other Jurisdictions immediately preceding employment with the SFPD may count towards the five years of service on a year-for-year basis provided the specific requirements of the SFPD Lateral Hiring Program are met. The Program requires that an applicant at the time of hire (a) is a Peace Officer, (b) has a valid POST certificate or has obtained a POST Basic Course Waiver and (c) has two years of current active patrol experience.

If a member separated from the SFPD but was later rehired, the time not employed by the SFPD shall not count towards eligibility except as described in the preceding paragraph.

HOW TO APPLY

Applications for this recruitment will be accepted through an **online process** from 8:00 AM, June 15, 2009 through 11:59 PM, June 26, 2009.

Visit www.jobapps.com/sf to begin the application process by registering and creating an account

Click and select the desired job announcement (scroll through list of jobs)

Click on "Apply" and read and acknowledge the information

Click on "I am a New User"

Follow instructions given on the screen to create an account (this requires a valid e-mail address)

Complete the online application

Please note that this application is only for the Q-50 Sergeant examination process. In order to be included in the Q-35 Assistant Inspector examination process, you **must** also file a separate Q-35 application.

For applicants who do not have internet access, computer kiosks are available for public use in the lobby of

the Department of Human Resources, One South Van Ness, 4th Floor, San Francisco. The Department of Human Resources' hours of operation are from 8:00 AM to 5:00 PM, Monday through Friday.

SELECTION PROCEDURES

The selection process will consist of a written exercise and an oral exercise. It is anticipated that all components will be administered between October 1 and December 18, 2009. Qualified applicants will be notified of the exact date, time and location for the examination components.

Q-50 Sergeant Examination Preparation Guide

A description of the examination components, including individual weights, will be included in the Preparation Guide. The Preparation Guide will also list the job-related task clusters simulated and knowledge and abilities evaluated in each test component. The Department of Resources anticipates that the Preparation Guide will be available in September 2009. Qualified applicants will be notified when the Preparation Guide becomes available.

Certification Rule

In accordance with the Civil Service Commission Rule 213.7: "For each referral from promotive eligible lists, the Certification Rule shall be the Rule of Five Scores. However, for each referral, if there is adverse impact under Title VII of the Civil Rights Act of 1964 resulting from the Rule of Five Scores, then a broader certification rule shall be used but only after the proposed broader rule is presented to the Civil Service Commission for approval—the broader certification rule may not be used until the Human Resources Director is instructed by the Civil Service Commission to do so. The Commission may use its own rule, and is not bound to use the rule that is proposed."

Notes

1. All examination procedures are subject to the Civil Service Commission Rules, Volume II, Uniformed Ranks of the San Francisco Police Department available at www.sfgov.org/site/civil_service_index.asp?id=4519 and the policies and procedures of the Department of Human Resources.
2. The City and County of San Francisco reserves the right to revise the examination plan if necessary.
3. When making appointments, the Appointing Officer will consider the following secondary criteria: assignments, training, education, special qualifications, commendations/awards, bilingual certification, and discipline history.
4. The duration of the eligible list produced from this examination will be thirty-six months.
5. Applicants who change their address or name must file a Change of Address form promptly with the Department of Human Resources Public Safety Examinations Unit, 4th Floor, One South Van Ness Avenue, San Francisco, CA 94103 or fax to (415) 551-8945. Applicants may also change their address by going online to www.jobaps.com/sf and selecting the "Update My Contact Info" tab.
6. Qualified candidates with disabilities requiring reasonable accommodation for this examination process must contact the examination analyst by phone at (415) 551-8943 (Voice) or, if hearing impaired (415) 557-4810 (TDD), or in writing to the address listed in the note above (specify Class Q-50) or fax to (415) 551-8945 as soon as possible, but no later than October 1, 2009.
7. Applicants are advised to make copies of all items submitted to the Department of Human Resources Public Safety Examinations Unit.
8. Applicants are advised that a Q-35 Assistant Inspector examination is being scheduled concurrent with the Q-50 examination administration. In order to be included in the Q-35 process, separate application **must** be made.

Q-50 Sergeant – Promotive

Issued: June 15, 2009

Announcement No.: 055460

Micki Callahan, Human Resources Director

Department of Human Resources

Public Safety Examinations Unit (RM) (415) 551-8943

DISASTER SERVICE WORKERS

All City and County of San Francisco employees are designated Disaster Service Workers through state and local law (California Government Code Section 3100-3109). Employment with the City requires the affirmation of a loyalty oath to this effect. Employees are required to complete all Disaster Service Worker-related training as assigned, and to return to work as ordered in the event of an emergency.

BENEFITS

All employees hired on or after January 10, 2009 will be required (pursuant to San Francisco Charter Section A8.432) to contribute 2% of pre-tax compensation to fund retiree healthcare. In addition, most employees are required to make a member contribution towards retirement, typically a 7.5% of compensation. For more information on these provisions, please contact your departmental personnel officer.

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SAN FRANCISCO

Assistant Inspector
Recruitment #CBT-0Q35-055470

Department: Police
Analyst: Jaye Erickson
Date Opened: 6/15/2009 8:00:00 AM
Filing Deadline: 6/26/2009 11:59:00 PM
Salary: \$114,608.00 - \$121,394.00/year
Job Type: CBT Discrete
Employment Type:

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INTRODUCTION

Under general supervision, the Q-35 Assistant Inspector works primarily in the San Francisco Police Department Bureau of Investigations. The Assistant Inspector's duties include but are not limited to: interacting with victims, witnesses, and suspects during investigations; follow-up investigation, case management, and prosecution; reviewing documents and preparing routine paperwork; interacting with SFPD members, other city departments and law enforcement agencies; serving arrest and search warrants, collecting and processing physical evidence; supervising field incidents, crime scenes or special events. For a more detailed list of Assistant Inspector job duties, please refer to "Executive Summary Job Analysis Update" compiled from the Q-50 Q-35 job analysis completed in April 2009.

MINIMUM QUALIFICATIONS

Only sworn members of the San Francisco Police Department are eligible to apply. Applicants must have three years of service with SFPD at the rank of Q-2 Police Officer or higher as of **10/1/09**. Length of service is calculated from the date of appointment to the Police Academy to the date noted above. If a member separated from the San Francisco Police Department but was later rehired, the time not employed by the San Francisco Police Department shall not count towards eligibility.

HOW TO APPLY

Applications for this recruitment will be accepted through an **online process** from 8:00 AM, June 15, 2009 through 11:59 PM, June 26, 2009.

Visit www.jobaps.com/sf to begin the application process by registering and creating an account
Click and select the desired job announcement (scroll through list of jobs)
Click on "Apply" and read and acknowledge the information
Click on "I am a New User"
Follow instructions given on the screen to create an account (this requires a valid e-mail address)
Complete the online application

Please note that this application is only for the Q-35 Assistant Inspector examination process. In order to be included in the Q-50 Sergeant examination process, you **must** also file a separate Q-50 application.

For applicants who do not have internet access, computer kiosks are available for public use in the lobby of the Department of Human Resources, One South Van Ness, San Francisco. The Department of Human Resources' hours of operation are from 8:00 AM to 5:00 PM, Monday through Friday.

SELECTION PROCEDURES

The selection process will consist of a written exercise, which will be weighted 100%. It is anticipated that the written exercise will be administered between October 1 and December 18, 2009. Qualified applicants will be notified of the exact date, time and location for the written exercise.

Q-35 Assistant Inspector Examination Preparation Guide

A description of the examination component will be included in the Preparation Guide. The Preparation Guide will also list the job-related task clusters simulated and knowledge and abilities evaluated in the examination component. The Department of Human Resources expects that the Preparation Guide will be available in September 2009. Qualified applicants will be notified when the Preparation Guide becomes available.

Certification Rule

In accordance with the Civil Service Commission Rule 213.7: "For each referral from promotive eligible lists, the Certification Rule shall be the Rule of Five Scores. However, for each referral, if there is adverse

impact under Title VII of the Civil Rights Act of 1964 resulting from the Rule of Five Scores, then a broader certification rule shall be used but only after the proposed broader rule is presented to the Civil Service Commission for approval—the broader certification rule may not be used until the Human Resources Director is instructed by the Civil Service Commission to do so. The Commission may use its own rule, and is not bound to use the rule that is proposed.”

Notes

1. All examination procedures are subject to the Civil Service Commission Rules, Volume II, Uniformed Ranks of the San Francisco Police Department available at www.sfgov.org/site/civil_service_index.asp?id=4519 and the policies and procedures of the Department of Human Resources.
2. The City and County of San Francisco reserves the right to revise the examination plan if necessary.
3. When making appointments, the Appointing Officer will consider the following secondary criteria: assignments, training, education, special qualifications, commendations/awards, bilingual certification, and discipline history.
4. The duration of the eligible list produced from this examination will be thirty-six months.
5. Applicants who change their address or name must file a Change of Address form promptly with the Department of Human Resources Public Safety Examinations Unit, 4th Floor, One South Van Ness Avenue, San Francisco, CA 94103 or fax to (415) 551-8945. Applicants may also change their address by going online to www.jobaps.com/sf and selecting the "Update My Contact Info" tab.
6. Qualified candidates with disabilities requiring reasonable accommodation for this examination process must contact the examination analyst by phone at (415) 551-8949 (Voice) or, if hearing impaired **(415) 557-4810 (TDD)**, or in writing to the address listed in the note above (specify Class Q-35) or fax to (415) 551-8945 as soon as possible, but no later than October 1, 2009.
7. Applicants are advised to make copies of all items submitted to the Department of Human Resources Public Safety Examinations Unit.
8. This examination is being conducted pursuant to a directive of the San Francisco Civil Service Commission issued on January 16, 2009.
9. Applicants are advised that a Q-50 Sergeant examination is being scheduled concurrent with the Q-35 examination administration. In order to be included in the Q-50 process, separate application **must** be made.

Q-35 Assistant Inspector – Promotive
Issued: June 15, 2009
Announcement No.: 055470
Micki Callahan, Human Resources Director
Department of Human Resources
Public Safety Examinations Unit (JE) (415) 551-8949

DISASTER SERVICE WORKERS

All City and County of San Francisco employees are designated Disaster Service Workers through state and local law (California Government Code Section 3100-3109). Employment with the City requires the affirmation of a loyalty oath to this effect. Employees are required to complete all Disaster Service Worker-related training as assigned, and to return to work as ordered in the event of an emergency.

BENEFITS

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EXHIBIT D

DENNIS J. HERRERA, State Bar #139669
City Attorney
ELIZABETH SALVESON, State Bar #83788
Chief Labor Attorney
JONATHAN C. ROLNICK, State Bar #151814
GINA M. ROCCANOVA, State Bar #201594
Deputy City Attorneys
Fox Plaza
1390 Market Street, Fifth Floor
San Francisco, California 94102-5408
Telephone: (415) 554-3815
Facsimile: (415) 554-4248
E-Mail: jonathan.rolnick@sfgov.org

Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JUANITA STOCKWELL, et al.,

Plaintiffs,

vs.

CITY AND COUNTY OF SAN
FRANCISCO, HEATHER FONG, CHIEF
OF SAN FRANCISCO POLICE
DEPARTMENT, sued in her official
capacity,

Defendants.

Case No. 08-05180 PJH

**DEFENDANT'S REQUEST FOR
ADMISSIONS TO PLAINTIFF
JUANITA STOCKWELL, SET TWO**

PROPOUNDING PARTY: Defendant **CITY AND COUNTY OF SAN FRANCISCO**

RESPONDING PARTY: Plaintiff **JUANITA STOCKWELL**

SET NUMBER: TWO

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1 Pursuant to Federal Rule of Civil Procedure 36, Defendant City and County of San Francisco
2 requests that Plaintiff Juanita Stockwell respond to the following requests for admissions within 30-
3 days of service.

4 DEFINITIONS

- 5 1. "DEFENDANT" refers to Defendant City and County of San Francisco, the San
6 Francisco Police Department, and includes without limitation the agents, any employees, attorneys,
7 officials, managers, members, and officers of the City and/or the Police Department.
- 8 2. "YOU" (or "YOUR") and "PLAINTIFF" refers to Plaintiff Stockwell and all persons
9 acting on his or her behalf such as agents, employees, attorneys, investigators, et cetera.
- 10 3. As used herein, the term "DEPARTMENT" refers to the San Francisco Police
11 Department.

12 REQUESTS FOR ADMISSION

13 **REQUEST NO. 9:**

14 Admit that YOU completed the 2009 examination for Q-50 Sergeant announced on or about
15 June 15, 2009 (a copy of the announcement is attached).

16 **REQUEST NO. 10:**

17 Admit that YOU did not file any appeal regarding the administration of the 2009 Q-50
18 Sergeant examination.

19 **REQUEST NO. 11:**

20 Admit that YOU were ranked 124 on the Q-50 Sergeant Eligible List adopted on February 2,
21 2010.

22 **REQUEST NO. 12:**

23 Admit that YOU did not file any appeal regarding the Q-50 Sergeant Tentative Eligible List
24 posted on or about January 13, 2010.

25 **REQUEST NO. 13:**

26 Admit that YOU completed the 2009 examination for Q-35 Assistant Inspector announced on
27 or about June 15, 2009 (a copy of the announcement is attached).

28 ///

1 **REQUEST NO. 14:**

2 Admit that YOU did not file any appeal regarding the administration of the 2009 Q-35
3 Assistant Inspector examination.

4 **REQUEST NO. 15:**

5 Admit that YOU were ranked 18 on the Q-35 Assistant Inspector Eligible List adopted on
6 February 2, 2010.

7 **REQUEST NO. 16:**

8 Admit that YOU did not file any appeal regarding the Q-35 Assistant Inspector Tentative
9 Eligible List posted on or about January 13, 2010.

10 **REQUEST NO. 17:**

11 Admit that YOU did not file any appeal with Civil Service Commission regarding the
12 Director of Human Resource's decision to adopt the amended class specification for Q-50 Sergeant
13 posted on or about March 31, 2009.

14 **REQUEST NO. 18:**

15 Admit that from March 2006 through July 22, 2010, DEFENDANT did not promote any
16 officer in the San Francisco Police Department to the rank of Q-35 Assistant Inspector.

17 Dated: September 3, 2010

18 DENNIS J. HERRERA
19 City Attorney
20 ELIZABETH SALVESON
21 Chief Labor Attorney
22 JONATHAN ROLNICK
23 GINA M. ROCCANOVA
24 Deputy City Attorneys

25 By: 

26 JONATHAN C. ROLNICK

27 Attorneys for Defendant
28 CITY AND COUNTY OF SAN FRANCISCO

EXHIBIT E

CITY AND COUNTY OF SAN FRANCISCO



DENNIS J. HERRERA
City Attorney

OFFICE OF THE CITY ATTORNEY

JONATHAN ROLNICK
Deputy City Attorney

Direct Dial: (415) 554-3815
Email: jonathan.rolnick@sfgov.org

October 28, 2010

Via U.S. and Electronic Mail

Ryan Hicks
Law Offices of Michael Sorgen
240 Stockton Street, Ninth Floor
San Francisco, CA 94108

**Re: *Stockwell, et al. v. City and County of San Francisco*
U.S. Dist. Court Case No. 08-05180 PJH**

Dear Ryan:

On July 27, 2010, the City served: (a) Special Interrogatories (set two) on plaintiffs Neeson, Ivy, and Lewis; (b) Special Interrogatories (set three) on plaintiffs Amigo, Jackson, A. Johnson, McKevitt, Riggle, and Flores; and (c) Requests for Admissions (set two) on plaintiffs Castel, David, Fleck, Godfrey, Jackson, Jehl, Jones, Lewis, Lozada, McKevitt, Meadors, Neeson, Suslow, and Valdez.

On September 3, 2010, the City served Requests for Admissions (set two) on plaintiffs Amigo, Borthne, Flores, Fogarty, Fong, Hui, Balinton, Bolte, Sung, Washington, Jue, Wells, Leung, Busalacchi, Canales, A. Johnson, B. Johnson, Rolovich, Massey, Lyons, Riggle, Stockwell, and O'Connor.

In response to a request for an extension of time to respond to this outstanding discovery, I advised you by letter dated September 28 that the City was willing to extend the deadline for plaintiffs to respond to outstanding written discovery up to and including October 21. The City further agreed that any plaintiff who had dismissed with prejudice or otherwise filed a motion to dismiss on or before October 21, 2010 would have an extension of time to respond until ten days after the Court rules on the motion to dismiss. The City also agreed to a similar extension of time for any plaintiff who was the subject of a motion to withdraw as counsel filed on or before October 21.

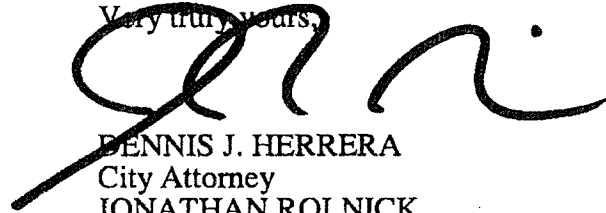
As of this date, the City has not received responses to any of the written discovery noted above. All of it is overdue as you have neither filed a motion to dismiss nor a motion to withdraw as counsel.

Your failure to respond to the Requests for Admissions results in the automatic admission of the matters requested. F.R.C.P. 23(a)(3). As you know, this is a self-executing rule and no motion to compel is required. *Id.*

Letter to Ryan Hicks
Law Offices of Michael Sorgen
Page 2
October 28, 2010

Please advise me when I can expect to receive responses to the Special Interrogatories. They were directed, in part, to three of the plaintiffs you claim as class representatives (Neeson, Ivy, and Lewis). It has been three months since they were served. If responses are not forthcoming, I will have no choice but to move to compel responses.

Very truly yours,



DENNIS J. HERRERA
City Attorney
JONATHAN ROLNICK
Deputy City Attorney

EXHIBIT F

Michael S. Sorgen (SBN 43107)
Ryan L. Hicks (SBN 260284)
LAW OFFICES OF MICHAEL S. SORGEN
Richard A. Hoyer (SBN 151931)
LAW OFFICES OF RICHARD A. HOYER & ASSOCIATES
240 Stockton Street, Ninth Floor
San Francisco, CA 94108
(415) 956-1360

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
for the NORTHERN DISTRICT OF CALIFORNIA
Oakland Division

JUANITA STOCKWELL, *et al.*,

Plaintiffs,

v.

CITY AND COUNTY OF SAN FRANCISCO;

Defendant.

Case No. C 08-05180

**PLAINTIFF IVY'S
RESPONSE TO
DEFENDANT CCSF'S
REQUEST FOR
ADMISSIONS, SET TWO**

PROPOUNDING PARTY: Defendant CITY AND COUNTY OF SAN FRANCISCO

RESPONDING PARTY: Plaintiff TERRY IVY

SET: TWO

Plaintiff TERRY IVY responds to Defendant City and County of San Francisco's
Request for Admissions, Set two, as follows:

REQUEST FOR ADMISSIONS NO. 5:

Admit that YOU were not eligible to apply for the Q-50 Sergeant examination announced
on or about June 15, 2009.

PLAINTIFF'S RESPONSES TO
DEFENDANT'S REQUEST FOR
ADMISSIONS, SET TWO

1 **RESPONSE TO REQUEST FOR ADMISSION NO.5:**

2 Admit.

3 **REQUEST FOR ADMISSIONS NO. 6:**

4 Admit that YOU were not eligible to apply for the Q-35 Assistant Inspector examination
5 announced on or about June 15, 2009.

6 **RESPONSE TO REQUEST FOR ADMISSION NO.6:**

7 Admit.

8 **REQUEST FOR ADMISSIONS NO. 7:**

9 Admit that from March 2006 through July 26,2010 DEFENDANT did not promote any
10 officer in the San Francisco Police Department to the rank of Q-35 Assistant Inspector.

11 **RESPONSE FOR REQUEST FOR ADMISSIONS NO. 7:**

12 From March 2006 through July 26, 2010 DEFENDANT promoted 55 officers to
13 investigative positions to perform work traditionally done by Q-35 Assistant Inspectors, though
14 they held the rank (in name) of Q-50.

15 **REQUEST FOR ADMISSIONS NO. 8:**

16 Admit that YOU were not eligible for a permanent civil service promotion to the rank of
17 Q-50 Sergeant during calendar year 2007.

18 **RESPONSE TO REQUEST FOR ADMISSION NO.8:**

19 Admit.

20 **REQUEST FOR ADMISSIONS NO. 9:**

21 Admit that YOU were not eligible for a permanent civil service promotion to the rank of
22 Q-50 Sergeant during calendar year 2008.

23 **RESPONSE TO REQUEST FOR ADMISSION NO.9:**

24 Admit.

25 **REQUEST FOR ADMISSIONS NO. 10:**

26 Admit that YOU were not eligible for a permanent civil service promotion to the rank of
27 Q-50 Sergeant during calendar year 2009.

28 ///

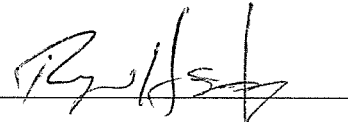
1 **RESPONSE TO REQUEST FOR ADMISSION NO.10:**

2 Admit.

3
4 Dated: January 26, 2011

Respectfully submitted,

5
6 By



7 RYAN L. HICKS
8 Attorneys for Plaintiffs
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VERIFICATION

I, the undersigned, declare:

I am a party to this action. I have read the foregoing:

TERRY IVY'S RESPONSE TO DEFENDANT CITY AND COUNTY OF SAN FRANCISCO'S REQUEST FOR ADMISSIONS, SET TWO

and know its contents. The matters stated in them are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters, I believe them to be true and correct.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 24, JAN 2011, at 240 STOCKTON

TERRY IVY
(Print Name)
[Signature]
(Signature)

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On the date below, I served the within:

on the party to said cause by depositing a true copy of items listed above in a sealed envelope, with postage thereon fully pre-paid for collection and processing with the United States Postal Service in San Francisco, California, addressed as follows:

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EXHIBIT G

DENNIS J. HERRERA, State Bar #139669
City Attorney
ELIZABETH S. SALVESON, State Bar #83788
Chief Labor Attorney
STACEY A. LUCAS, State Bar #154345
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Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO
AND HEATHER FONG

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAMON KEEVE,

Plaintiff,

vs.

CITY AND COUNTY OF SAN
FRANCISCO, SAN FRANCISCO
POLICE DEPARTMENT AND
HEATHER FONG,

Defendant(s).

Case No. C 05-3023 SBA

**DECLARATION OF HEATHER FONG
IN SUPPORT OF DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT**

Hearing Date: December 11, 2006
Time: 1:00 p.m.
Place:

Date Action Filed: July 28, 2005
Trial Date: February 5, 2007

Judge: Honorable Sandra
B. Armstrong

I, HEATHER FONG, declare as follows:

1. I am the Chief of Police for the City and County of San Francisco and have held this position since April 2004. Prior to being appointed Chief, I served on the Command Staff of the SFPD as the Assistant Chief and the Deputy Chief of various bureaus, and in the rank of Commander. I have served on the Command Staff in some capacity since 1998. Prior to that time I served as a Captain, Lieutenant, Sergeant, Inspector and Police Officer. I have personal

1 knowledge of the matters set forth in this declaration and, if called as a witness, could and would
2 competently testify thereto.

3 2. Under the City Charter section A8.343, the Chief of Police may impose discipline
4 of up to a 10-day suspension. The sworn member may appeal the discipline to the Police
5 Commission. Where the Chief seeks to impose discipline greater than 10-days, he or she must
6 file disciplinary charges or "specifications" with the Police Commission.

7 3. In May 2002, Fred Lau, the Chief of Police, filed specifications with the Police
8 Commission, alleging that Damon Keeve "improperly attempt[ed] to influence a Brisbane Police
9 Officer and the Brisbane Chief to rescind a traffic ticket which had been issued violat[ing]
10 California Vehicle Code § 40500(d)." The allegations indicated that Keeve engaged in this
11 conduct in February 2002, and it was immediately brought to Chief Lau's attention by the Chief
12 of the Brisbane Police Department. At that time, Keeve was serving in a temporary like-
13 work/like-pay assignment as a Field Training Sergeant. He, along with other Q-50 promotional
14 candidates, had signed a waiver from certification from the list pending completion of a two-year
15 Field Training commitment.

16 4. In 2002, I was the Deputy Chief of Field Operations Bureau (FOB), an
17 assignment that involves oversight of District Stations. As Deputy Chief of FOB, I approved all
18 transfers in and out of the Bureau, and all such transfers are ultimately approved or denied by the
19 Chief of Police. It is my understanding that Officer Keeve, who was serving as a LWLP Field
20 Training Sergeant, had his Field Training duties suspended by the FTO Office pending an
21 investigation of the Brisbane incident, but he continued serving as a temporary LWLP Sergeant
22 at Bayview station. At some point after the Brisbane incident, the Department became aware of
23 a second set allegations of serious misconduct by Officer Keeve while on duty at Bayview
24 Station. This lead to the decision to remove Keeve from the District Station to an administrative
25 assignment while all of the allegations were being investigated. This recommendation came
26 from Charles Keohane, who was then the Lieutenant of Field Training. I concurred with the
27 recommendation and I believe Lt. Keohane also discussed it with his supervisor, William Welch,
28 then the Deputy Chief of Administration.

1 5. On April 12, 2004, the Police Commission issued a resolution regarding the
2 charges filed by Chief Lau. At the time, I was the Acting Chief of Police, having held that
3 position since January 2004. Officer Keeve admitted to the charges filed by Chief Lau and I
4 recommended that the Police Commission suspend Officer Keeve for a period of 90 days, with
5 45 days held in abeyance for two years on the condition that he receives no sustained complaints
6 of misconduct for two years. A true and correct copy of the Police Commission's resolution is
7 attached hereto as Exhibit A. The investigation into the second set of allegations was ultimately
8 not sustained.

9 6. Under the terms of the Memorandum of Understanding (MOU) between the
10 Police Officers Association (POA) and the City, management is prohibited from considering
11 reprimands more than two years old, and more serious discipline more than five years old for
12 purposes of promotion, transfer or special assignment. True and correct portions of the relevant
13 MOU sections for the 2001-2003 and 2003-2007 MOUs are attached hereto as Exhibit B.

14 7. In addition to taking the Q-50 Sergeant's exam in November 2000, Officer Keeve
15 participated in the Q-35 Inspectors exam. Officer Keeve is presently a reachable promotional
16 candidate, meaning that under the selection rule for that exam, he is among the candidates I
17 could appoint. Although I made 20 promotive appointments to the rank of Q-35 Inspector in
18 February 2006, I did not appoint Officer Keeve to the Inspector rank because of the sustained
19 serious discipline imposed by the Police Commission in April 2004. This consideration is
20 consistent with the terms of the MOU.

21 8. At the time the Police Commission imposed discipline on Officer Keeve, he had
22 been suspended from the FTO Program for approximately two years. Pursuant to the terms of
23 the Police Commission resolution, Keeve's 45-day suspension started on April 7, 2004 and ended
24 on May 21, 2004. Officer Keeve was not able to complete his FTO commitment because of the
25 intervening disciplinary investigation triggered by his improper attempts to influence a Brisbane
26 Police Officer and the Chief of the Brisbane Police Department. By the time the Police
27 Commission issued its resolution and Keeve served his 45-day suspension, he could not
28 complete his FTO commitment, and have the waiver lifted. Further, the discipline imposed by

1 the Police Commission constitutes a Class A disciplinary action, which disqualified Officer
2 Keeve from the FTO for a period of five years under Department General Order 3.13, attached to
3 the Declaration of Charles Keohane. In July 2004, I elected to reassign Officer Keeve from the
4 LWLP assignment.

5 9. I am not aware of any instance where a sworn member of the SFPD serving in a
6 LWLP assignment has been afforded appeal rights when the temporary LWLP assignment
7 ended. Because the appointing officer has the discretion to make temporary LWLP assignments,
8 individuals serving in LWLP assignments have no right to a hearing or appeal when the
9 temporary assignment has been changed. However, I did advise Officer Keeve that he could
10 meet with Antonio Parra, then the Deputy Chief of Administration, if he wished to discuss why
11 he should not be reassigned.

12
13 I declare under penalty of perjury under the law of the State of California that the
14 foregoing is true and correct, and that this declaration was executed on November 6, 2006, in
15 San Francisco, California.

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18 HEATHER FONG
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